

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**TROY L. SOUTHWARD,**

**Plaintiff,**

**v.**

**DOUGLAS COUNTY DEPARTMENT  
OF CORRECTIONS,**

**Defendant.**

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**Case No. 8:07CV238**

**MEMORANDUM AND ORDER**

The court previously considered the plaintiff's Application for Leave to Proceed in Forma Pauperis ("IFP") filed while the plaintiff was a prisoner. It appears, however, that the plaintiff has been released from custody since filing the application. A former prisoner who has been released from custody after filing a civil complaint must, when ordered to do so, file an Application for Leave to Proceed IFP based on the changed circumstances caused by release from prison. If IFP status is then granted, the plaintiff will be relieved of any remaining liability for the balance of the filing fee. Therefore, if the plaintiff wishes to pursue the above-entitled case which was filed while the plaintiff was prisoner, the plaintiff must now file a new Application for Leave to Proceed IFP as a nonprisoner. See, e.g., *McGann v. Comm'r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) ("A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.").

**THEREFORE, IT IS ORDERED:**

1. On or before October 11, 2007, the plaintiff shall either file a new Application for Leave to Proceed IFP or shall pay the initial partial filing fee as previously ordered.
2. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: October 11, 2007: new IFP application or initial filing fee payment due.

**DATED this 11<sup>th</sup> day of September, 2007.**

**BY THE COURT:**

*s/ Richard G. Kopf*  
United States District Judge